

U.S.S.N. 10/600,480

Filed: June 20, 2003

**RESPONSE TO OFFICE ACTION**

**Response to Election of Species**

In the Office Action mailed October 19, 2005, the Examiner requested that Applicant elect the following: a) a substrate from claim 10; b) a biological system selected from bacteria, yeast, fungi or plant; c) enzymes from claim 10; and d) polymers from claims 10 and 15-19.

In response, Applicants elect a) 4-hydroxyvalerate as the substrate, b) bacteria as the biological system, c) polyhydroxyalkanoate synthase as the enzyme and d) poly (4-hydroxyvalerate) as the polymer, with traverse in respect to the biological system. Claims 10, 11, 13, and 18 read of the elected species. The Examiner has acknowledged that claim 10 is generic. Therefore, it is understood that the election of species is for initial examination purposes only, and that other non-elected species will be examined once the claims to the elected species have been determined to be free of the prior art. However, Applicants wish to note that a search for biological systems would include bacteria, yeast, fungi and plants. This is only four species. "If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions" (MPEP 803.02). This is clearly the case in the present application and Applicants contend that it would not overburden the Examiner to search for all species of "biological systems."

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**Examination of claims 10, 11 and 13-19 on the merits is respectfully solicited.**

Respectfully submitted,



Patrea L. Pabst  
Reg. No. 31,284

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PABST PATENT GROUP LLP  
400 Colony Square, Suite 1200  
1201 Peachtree Street  
Atlanta, Georgia 30361  
(404) 879-2151  
(404) 879-2160 (Facsimile)

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